THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7356 OF 2007

Dated 12th April 2007

Between:

Papa Veera Venkata Subrahmanyeswara Rao

…Petitioner

and

Chodisetti Venkata Satya Kumar
& others

…Respondents

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O R D E R:

The petitioner states that respondents 1 and 2 have entered into an agreement with him on 10.8.2006, to sell an extent of 90 sq.yards, in premises bearing No.5-1-1/1 of Palakollu Municipality. He contends that, instead of executing a sale deed in his favour, the respondents 1 and 2 have sold the property to 3rd respondent, through a registered sale deed, and the latter, in turn, is trying to mortgage the property with the 5th respondent. He seeks a Writ of Mandamus, to declare the action of the respondents as illegal and arbitrary, and direct the 4th respondent, the Registering Authority, not to register the document.

Heard the learned counsel for the petitioner and learned

Government Pleader for Revenue.

The prayer of this writ petition cannot be granted in a writ petition filed under Article 226 of the Constitution of India. Basically, the petitioner has to seek the relief of specific performance of agreement of sale in his favour. O.S.No.3 of 2007 is said to have been filed by him, in the Court of Principal Senior Civil Judge, Narsapur, for the relief of perpetual injunction. Either necessary amendment is to be carried out in that suit, or fresh proceedings are to be initiated. Further, if a sale deed is executed by respondents 2 and 3, in favour of 3rd respondent, the cancellation of the same, needs to be prayed for. Several disputed questions of fact arise for consideration. They cannot be considered in this writ petition.

The Writ Petition is accordingly dismissed, leaving it open to the petitioner, to work out his remedies in a Civil Court. There shall be no order as to costs.

12th March 2007

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